

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,

Plaintiff

Civil No. 05-178-ERIE

vs

CHARLES G. MOON AND
MARY ROBBIN MOON,

Defendants

**PLAINTIFF'S MOTION FOR ENLARGEMENT OF TIME OF 120 DAYS TO SERVE
COMPLAINT IN MORTGAGE FORECLOSURE**

The United States of America, a sovereign corporation, by and through its counsel Mary Beth Buchanan, United States Attorney in and for the Western District of Pennsylvania, and Bernstein Law Firm, P C , private counsel to the United States of America, files its Motion for Enlargement of Time to serve Complaint in Mortgage Foreclosure on Charles G Moon and Mary Robbin Moon

1 Plaintiff the United States of America filed its Complaint in this action June 10, 2005 against Defendants Charles G. Moon and Mary Robbin Moon who are the mortgagors of a Mortgage dated and recorded on November 13, 1978 in the Recorder of Deeds Office of Venango County, Pennsylvania, with regard to property located in Oil City, Venango County, Pennsylvania, as more fully described in Plaintiff's Mortgage.

2. Plaintiff attempted to serve CHARLES G. MOON AND MARY ROBBIN MOON with a Complaint in Mortgage Foreclosure, Notices of Waiver of Summons, and Waivers of Summons on June

16, 2005, by regular mail, at 3 Oak Grove Road, Oil City, PA 16301, which is the Defendants' last known address

3 Defendants failed to return the executed Waivers of Service of Summons.

4 Thereafter, Plaintiff attempted personal service on Defendants, CHARLES G. MOON AND MARY ROBBIN MOON through the United States Marshal's Office on July 15, 2005.

5 However, the United States Marshal's Office made an unexecuted return of service as to Defendants CHARLES G. MOON AND MARY ROBBIN MOON on August 16, 2005 which indicated that the deputy had made 3 attempts of service.

6 Thereafter, Plaintiff inquired with the U.S. Postmaster to confirm the current address for the Defendants, CHARLES G. MOON AND MARY ROBBIN MOON

7 The U.S. Postmaster confirmed that the current address for Defendants, CHARLES G. MOON AND MARY ROBBIN MOON, is 3 Oak Grove Road, Oil City, PA 16301.

8 Plaintiff believes that service may be effected on the Defendants, CHARLES G. MOON AND MARY ROBBIN MOON, by alternate means at their last known address as provided by the U.S. Postmaster.

9 Contemporaneously herewith, Plaintiff has filed a Motion for Alternate Service, requesting this Honorable Court's Authority to serve Defendants by posting the premises at 3 Oak Grove Road, Oil City, PA 16301 and by regular mail to the Defendants' last known address with service to be perfected upon mailing.

10 The summons as to the within complaint expired as of October 8, 2005, which is 120 days from the date of filing

WHEREFORE, Plaintiff The United States of America requests that this Honorable Court enter an Order granting Plaintiff an Enlargement of Time of 120 days to serve the Defendants, CHARLES G. MOON AND MARY ROBBIN MOON.

Respectfully submitted,

BERNSTEIN LAW FIRM, P.C.

By: 

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